



MORGAN & MORGAN

COMPLEX LITIGATION GROUP

Mass Torts | Whistleblower | Class Action

October 20, 2022

The Honorable Yvonne Gonzalez Rogers
United States District Court, Northern District of California
Oakland Courthouse

via e-filing

RE: Leadership Application of Emily C. Jeffcott for Co-Lead Plaintiff's Counsel
In Re: Social Media Adolescent Addiction/Personal Injury Products Liability
Litigation, No. 22-md-03047

Dear Judge Gonzalez Rogers:

I respectfully submit this application in support of my appointment as co-lead counsel in the above-named litigation. I am a Partner at Morgan & Morgan, an Orlando based law firm of more than 750 lawyers, and a member of the firm's complex litigation department, which is comprised of more than 25 lawyers devoted to mass actions, class actions, and *qui tam* litigations. As described in my CV, attached as Exhibit A, my extensive experience in complex litigation, combined with my ongoing dedication to this matter and commitment to civility and professionalism, make me an excellent candidate for appointment as co-lead counsel. I have a vested interest in the efficient and orderly prosecution of this litigation as my firm has filed over 15 cases that are either before or pending transfer to Your Honor. To that effect, I have been actively involved in this litigation by coordinating multiple meetings among plaintiffs' counsel, leading pre-MDL legal strategy, attending national legal conferences as an invited speaker on social media addiction, and consulting with key experts. Likewise, Morgan & Morgan has significant experience litigating in this district against many of the defendants named in this MDL. Finally, I am privileged to state that I have the support for the position of co-lead from the attorneys listed in Exhibit B, and I support them in the position identified therein, knowing them all, either personally or by reputation, to be hard-working, dedicated, and professional lawyers. Given the breadth and complexity of this litigation, I believe this matter warrants a broad and diverse group of experienced lawyers, which I believe is embodied by those identified in Exhibit B.

(1) Professional experience in this type of litigation:

For over a decade, I have worked exclusively on complex civil actions. I have been involved in nearly every aspect of complex litigation, ranging from law & briefing (including briefing and arguing unique preemption issues to successful *Batson* challenges), the development of experts (including presenting those experts at MDL trials), bellwether selection (including the handling of bellwether cases from selection through depositions and trial), and discovery (including developing key liability themes and deposing fact and expert witnesses).

For the past three years, I have served as a member of the Plaintiffs' Steering Committee ("PSC") in *In Re: JUUL Prod. Liab. Lit.*, No. 2:19-md-02913 (N.D. Ca.), leading the Science/Experts Committee as co-chair. In this role, I coordinated the development of over 25 expert reports—all of which survived *Daubert* challenges. I shouldered this responsibility while simultaneously supporting the Discovery Committee by managing the PSC's team of document

reviewers, hosting bi-weekly meetings to bring PSC members up-to-speed on evidentiary developments in the case, taking depositions, and generally strategizing on a targeted, organized approach to discovery. In addition, I served on the Law & Briefing committee in which I (along with my firm's appellate department) drafted and responded to various substantive motions. Finally, a plaintiff represented by my firm was selected as bellwether trial candidate, and I managed, with the support of my firm, all trial preparation, including the drafting of affirmative summary judgment and *Daubert* motions, responding to similar motions filed by defense, and otherwise leading all preparatory efforts for that bellwether trial.

My experience in *In Re: JUUL* mimics the experienced I have gained in other litigations. For example, in *In Re: Taxotere Prod. Liab. Lit.*, No. 2:16-md-02740 (E.D. La.), I served on the PSC, co-chaired the Law & Briefing Committee, participated on Science/Experts Committee, and was a member of the Trial Team. Similarly, in *In Re: Xarelto Prod. Liab. Lit.*, No. 2:16-md-02592 (E.D. La.), I participated in all six bellwether trials prior to the litigation settling for \$775 million. Each trial required weeks of preparation in addition to the multi-week trials themselves. I was responsible for the presentation of expert and fact witnesses, as well as briefing and arguing trial motions. Prior to trial, I served on the Law & Briefing, Science/Expert, and Bellwether Committees.

I have also served on the PSC of *In Re: Valsartan Prod. Liab. Lit.*, No. 1:19-md-02875 (D. N.J.); the Science/Expert Committee in *In Re: Nat'l Prescription Opiate Lit.*, No. 1:17-md-2804 (N.D. Oh.); the Law & Briefing Committee in *In Re: Zofran Prod. Liab. Lit.*, No. 1:15-md-02657 (D. Ma.); the Discovery Committee in *In Re: Oil Spill by the Oil Rig "Deepwater Horizon,"* No. 2:10-md-02179 (E.D. La.); and the Law & Briefing Committee and the Trial Team in *In Re: FEMA Trailer Formaldehyde Prod. Liab. Lit.*, 2:07-md-01873 (E.D. La.).

In addition to the above multi-district litigations, I have experience handling complex *qui tam* litigations, including as lead counsel in *United States ex rel. Brunson et al. v. Bechtel Corp. et al.*, No. 2:13-cv-05013 (E.D. Wa.). That case involved false claims submitted by DOE contractors for components destined for the Hanford Waste Nuclear Treatment Plant. I secured a \$180 million settlement following four years of intense coordination with the Department of Justice.

Along with my experience in complex litigation, I have the collective knowledge of my firm, Morgan & Morgan. Colleagues in my firm have served as lead, co-lead, and class counsel in numerous national class actions and MDLs. Morgan & Morgan has likewise litigated against defendants named in this litigation in cases such as *Brown v. Google, LLC*, No. 4:20-cv-03664-YGR-LHK (N.D. Cal.), which is currently pending before Your Honor, and *Adkins v. Facebook, Inc.*, No. 3:18-cv-05982 (N.D. Cal.) (Alsup, J.).

(2) The names and contact information of judges before whom the applicant has appeared in the matters discussed in response to No. 1 above:

- Judge William Orrick (Presiding Judge, *In Re: JUUL*) and – Address: 450 Golden Gate Avenue, San Francisco, CA 94102; Telephone: 415-522-2077
- Judge Jacqueline Corley (Magistrate Judge, *In Re: JUUL*) – Address: 450 Golden Gate Avenue, San Francisco, CA 94102; Telephone: 415-522-2015

- Judge Triche Milazzo (Presiding Judge, *In Re: Taxotere*) – Address: 500 Poydras Street Room C206 New Orleans, LA 70130; Telephone: 504-589-7585
- Judge Eldon Fallon (Presiding Judge, *In Re: Xarelto*) – Address: 500 Poydras Street Room C456 New Orleans, LA 70130; Telephone: 504-589-7545

(3) Willingness and ability immediately to commit to time-consuming litigation:

I have committed significant time to this litigation and will continue to do so. My firm is likewise willing to devote additional experienced attorneys and staff, including the resources of other complex litigation attorneys, in-house appellate attorneys, doc-review attorneys, and experienced paralegal staff.

(4) Willingness and ability to work cooperatively with other counsel:

I have maintained a positive and cooperative relationship with counsel involved in this litigation and will continue to do so. Maintaining the highest level of professionalism and decorum is a personal priority, and in my opinion, necessary to achieve the efficient and just resolution of disputes.

(5) Access to resources to prosecute the litigation in a timely manner:

Through my firm, I have access to the necessary resources to prosecute this litigation. Morgan & Morgan intends to self-fund the financial contributions required by this litigation but also has access to traditional lines of credit.

(6) Willingness to serve as lead counsel, a member of a steering committee, or both:

Though my strong preference is to be appointed as co-lead counsel over this litigation, if Your Honor believes I would be better suited to a PSC position, I will gladly serve.

(7) Any other considerations that qualify counsel for a leadership position:

An additional leadership consideration for Your Honor is my commitment to expanding the ranks of lawyers practicing complex litigation. As a person juggling career and motherhood, I am deeply cognizant of the often extreme pressures imposed by this kind of work. The pinnacle of these demands is, for many, the time spent away from home. While I believe some travel is necessary, I have sought to minimize the extraneous time away from home. For instance, in *In Re: JUUL*, despite the world reopening post-pandemic, the parties continued to utilize Zoom to take depositions and conduct meetings. This resulted in greater participation among young lawyers and lawyers who, because of childcare or other obligations, could not attend in-person. I pushed for this, and I will continue to be a supportive voice of this and other similar measures.

With highest regards,



Emily Catherine Jeffcott

EXHIBIT A

EMILY C. JEFFCOTT, ESQ.

Emily Jeffcott is a Partner at Morgan & Morgan and member of the firm's Complex Litigation Department. She focuses her practice on plaintiffs' product liability mass tort litigation.

Leadership Positions

In Re: JUUL Prod. Liab. Lit., No. 2:19-md-02913 (N.D. Ca.) – Trial Team, Plaintiff Steering Committee (“PSC”), Co-Chair of Science Comm., Law & Briefing Comm, and Discovery Comm.

In Re: Taxotere Prod. Liab. Lit., No. 2:16-md-02740 (E.D. La.) – Trial Team, PSC, Co-Chair of Law & Briefing Comm., and Science Comm.

In Re: Xarelto Prod. Liab. Lit., No. 2:16-md-02592 (E.D. La.) – Trial Counsel, Trial Team, Law & Briefing Comm, and Science Comm.

In Re: Nat’l Prescription Opiate Lit., No. 1:17-md-2804 (N.D. Oh.) – Expert Comm.

In Re: Zofran Prod. Liab. Lit., No. 1:15-md-02657 (D. Ma.) – Law & Briefing Comm.

In Re: Oil Spill by the Oil Rig “Deepwater Horizon,” No. 2:10-md-02179 (E.D. La.) – Discover Comm.

In Re: FEMA Trailer Prod. Liab. Lit., 2:07-md-01873 (E.D. La.) – Trial Team, Law & Briefing Comm.

Education

St. Mary’s University School of Law, San Antonio, Texas Juris Doctorate, 2009

Legal Societies: Phi Delta Phi Legal Honor Society, Order of the Barristers

Law Review: Executive Articles Editor, *The Scholar: St. Mary’s Law Review on Minority Issues*

Key Honors: Patricia L. Scott Award (top graduating advocate); St. Mary’s Moot Court Advocate Award (top graduating moot court advocate); American Bar Association’s Third Best Advocate in the United States (2009); ABA’s Regional Champion and Best Advocate (2009)

Admissions

Florida (2020), New York (2011), District of Columbia (2011), Louisiana (2010), Texas (2009)

Organizations

Special Olympics, American Association for Justice, American Bar Association; Federal Bar Association; Florida Bar Association, Louisiana State Bar Association; Texas Bar Association; New York State Bar Association

Honors & Awards

Florida Super Lawyers Rising Star, 2019 – 2021

Louisiana Super Lawyers Rising Star, 2013 – 2018

Texas Super Lawyers Rising Star, 2012

National Lawyers Top 40 Under 40, 2014 – 2021

Community Service Award, Louisiana Association for Justice, 2015

Nominated Writer, 2008, American College of Consumer Financial Services Lawyers

Publications & Presentations

CLE Presentation, *Social Media Addiction: Scientific Underpinnings*, MTMP, October 2022

CLE Presentation, *Social Media Addiction: Legal Issues*, Harris Martin, September 2022

CLE Presentation, *Juul: Science of Addiction*, Harris Martin, October 2019

CLE Presentation, *Litigation Update*, MTMP, April 2019

CLE Presentation, *Litigation Update*, MTMP, October 2018

No Refuge Under Louisiana Law for Consumers Injured by Inadequate Warnings on Generic Pharmaceuticals, Louisiana Advocates, December 2016.

A Heightened Pleading Standard, Trial, August 2016, at 48.

Client Evaluation Basics, Louisiana Advocates, August 2016, at 9.

Deconstructing the False Claims Act, Louisiana Advocates, December 2015.

Fiduciary Duty and its Application to Louisiana LLCs, Louisiana Advocates, August 2015.

CLE Presentation, *Basics of Client Evaluation*, Louisiana Association for Justice, May 2015.

Ten Habits of Highly Effective Young Lawyers, Louisiana Advocates, March 2015.

Does He Who Owns the “Minerals” Own The Shale Gas? A Guide To Shale Mineral Classification, 8 Tex. J. Oil, Gas, & Energy L. 27 (Winter 2012-2013), selected for Nat’l Reprint in 50 Rocky Mt. Min. L. Fdn. J. 179 (2013)

Presentation Paper, *The Duties Owed by the Executive Mineral Interest: Crafting A New Fiduciary Standard in Texas*, Texas Bar CLE, Austin, TX, Spring 2012.

Texas Minerals: What’s Required of the Executive Interest, American Association Justice Women’s Caucus Newsletter, Winter 2013.

What’s Required to Remedy Juror Discrimination? A Brief Discussion on Batson and its Available Remedies, 13 Scholar 615 (Spring 2011)

A Primer on Batson Including Discussion of Johnson v. California, Miller-El v. Dretke, Rice v. Collins & Snyder v. Louisiana, 42 St. Mary’s L. J. 337 (Spring 2011)

Presentation Paper, *The Deepwater Horizon Disaster – An Overview of MDL Centralization and the Potential Recovery for Economic Loss*, ABA Young Lawyers Conf., Santa Fe, NM, Fall 2010.

The Mortgage Reform and Anti Predatory Act of 2007: Paving a Secure Path for Minorities in the Midst of the Sub Prime Debacle, 10 Scholar 449 (Spring 2008).

EXHIBIT B

Identified below are attorneys that support me, Emily C. Jeffcott, as proposed co-lead counsel in *In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, No. 22-md-03047. I likewise support them in the leadership role identified below:

1. Lexi Hazam, Lieff Cabraser (Co-Lead Counsel)
2. Chris Seeger, Seeger Weiss (Co-Lead Counsel)
3. Joseph VanZandt, Beasley Allen (Co-Lead Counsel)
4. Jennie Anderson, Andrus Anderson (Liaison Counsel)
5. Ron Austin, Ron Austin Law (Plaintiffs' Steering Committee)
6. Matt Bergman, Social Media Victims Law Center (Plaintiffs' Steering Committee)
7. James Bilsborrow, Weitz Luxenberg (Plaintiffs' Steering Committee)
8. Paige Boldt, Watts Guerra (Plaintiffs' Steering Committee)
9. Tom Cartmell, Wagstaff Cartmell (Plaintiffs' Steering Committee)
10. Jayne Conroy, Simmons Hanly Conroy (Plaintiffs' Steering Committee)
11. Carrie Goldberg, C.A. Goldberg Victims' Right Law Firm (Plaintiffs' Steering Committee)
12. Kirk Goza, Goza & Honnold (Plaintiffs' Steering Committee)
13. Sin-Ting Mary Liu, Aylstock, Witkin, Kreis & Overholtz (Plaintiffs' Steering Committee)
14. Andre Mura, Gibbs Law Group (Plaintiffs' Steering Committee)
15. Emmie Paulos, Levin, Papantonio, Rafferty (Plaintiffs' Steering Committee)
16. Roland Tellis, Baron & Budd (Plaintiffs' Steering Committee)
17. Alexandra Walsh, Walsh Law (Plaintiffs' Steering Committee)
18. Previn Warren, Motley Rice (Plaintiffs' Steering Committee)
19. Michael Weinkowitz, Levin, Sedran & Berman (Plaintiffs' Steering Committee)